

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MADISON HOBLEY,)	
)	
Plaintiff,)	
)	
v.)	No. 03 C 3678
)	
CHICAGO POLICE COMMANDER JON)	Judge Aspen
BURGE, DET. ROBERT DWYER, DET. JAMES)	Magistrate Judge Brown
LOTITO, DET. VIRGIL MIKUS, DET. DANIEL)	
McWEENEY, DET. JOHN PALADINO, SGT.)	
PATRICK GARRITY, and the CITY OF)	
CHICAGO,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR LEAVE TO FILE A MEMORANDUM OF LAW
IN EXCESS OF FIFTEEN PAGES PURSUANT TO LOCAL RULE 7.1**

NOW COME Defendants Jon Burge, Robert Dwyer, James Lotito, Virgil Mikus, Daniel McWeeny, John Paladino and Patrick Garrity ("Defendant Officers"), by and through their attorneys, JAMES G. SOTOS and ELIZABETH A. EKL, of JAMES G. SOTOS & ASSOCIATES, LTD., and move this Honorable Court for entry of an order granting them leave to file a Memorandum of Law in Support of their Motion for Summary Judgment in excess of fifteen pages pursuant to Local Rule 7.1.

In support of this Motion, Defendants state as follows:

1. The Plaintiff has filed a sixteen-count Amended Complaint against the City of Chicago and seven of its current and former police officers pursuant to 42 U.S.C. § 1983 and under state law, alleging that he was wrongfully convicted of the crime of murder.
2. The Plaintiff's Amended Complaint is forty-five (45) pages long and sets forth nearly two hundred paragraphs of allegations against the Defendants.

3. The various legal issues raised by the Plaintiff in his Amended Complaint have been the subject of two lengthy opinions from the Illinois Supreme Court as well as a thirty-three (33) page Memorandum Opinion and Order issued by Judge Dennis J. Porter following the evidentiary hearing on Plaintiff's post-conviction petition. Additionally, among its other Opinions and Orders, this Court has authored a twenty-five (25) page Memorandum Opinion and Order regarding Defendants' Motions to Dismiss the Amended Complaint.

4. The parties have taken the depositions and affidavits of more than one hundred witnesses during the course of discovery.

5. The Defendants have now brought a motion for summary judgment on each of the Plaintiff's remaining counts.

6. Rather than filing separate, multiple briefs on behalf of each of the individually named Defendant Officers listed above, the undersigned counsel has decided that for purposes of judicial economy, a single comprehensive brief should be filed on behalf of all Defendant Officers discussing the various issues raised by Plaintiff's Amended Complaint. The undersigned believes that a single comprehensive brief would materially aid this Court in addressing the multiple issues presented in Plaintiff's Amended Complaint and eliminate any overlapping and redundant legal arguments.

7. The undersigned has reviewed the Memorandum of Law and edited the brief in an attempt to eliminate any redundant or unnecessary arguments and keep the length to a minimum. Notwithstanding that effort, given the number of parties and issues presented in Plaintiff's sixteen-count Amended Complaint, the Defendant Officers' Memorandum of Law in Support of their Motion for Summary Judgment exceeds the fifteen-page limit set by the local rule.

8. This motion is not brought for purposes of harassment or undue delay.

WHEREFORE, the Defendants pray that this Honorable Court enter an order granting them leave to file their Memorandum in excess of fifteen pages, pursuant to Local Rule 7.1, *instantly*.

Date: October 9, 2007

s/ Elizabeth A. Ekl

James G. Sotos

Elizabeth A. Ekl (ARDC No. 06242840)

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CERTIFICATE OF SERVICE

The undersigned having first been duly sworn under oath, states that she electronically filed a complete copy of the foregoing **Defendants' Motion For Leave To File A Memorandum of Law In Excess of Fifteen Pages** with the Clerk of the Court on **October 10, 2007** using the CM/ECF system, which will send notification of such filing to the following counsel of record: see attached Service List.

s/ Elizabeth A. Ekl

James G. Sotos

Elizabeth A. Ekl (ARDC No. 06242840)

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SERVICE LIST

**MADISON HOBLEY v. JON BURGE, ET AL.
03 C 3678**

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